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Signature	Date

P&amp;G Case CM1718F

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :  
 Markus Altmann et al. : Confirmation Number: 8474  
 Serial No. 09/762,082 : Group Art Unit: Not Yet Assigned  
 Filed: February 12, 2001 : Examiner:  
 For WRINKLE REDUCING COMPOSITION

**REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. 1.137 (e)**

Commissioner for Patents  
 BOX DAC  
 Washington, D.C. 20231

Dear Sir:

This paper is filed in response to the April 9, 2003 Decision dismissing Applicants' Petition To Revive the above-identified application. Said Decision set a two (2) months time period, extendable under 37 CFR 1.136(a), in which to request reconsideration. Said time period expired on June 9, 2003.

Pritioner hereby request a one-month extension of time under 37 CFR 1.136(a).

**BACKGROUND**

The claims of the above-identified application were the result of an invention made by several individuals who were employed by The Procter & Gamble Company and Proctor & Gamble Eurocor (hereinafter collectively referred to as "P&G") at the time the invention was made. Due to their employment by P&G, the inventors have an obligation to assign each of their rights to the above-identified application to P&G.

On August 4, 1998, a patent application with claims directed to this invention was filed under the Patent Cooperation Treaty (PCT), Application no. PCT/US98/16127, by P&G. The inventors on the PCT application were Markus Altmann, Earl David Brock, Bruno Albert Hubesch, Robert

On February 12, 2001, P&G filed a request to enter said PCT application into national stage in the United States; the request was accompanied by: the basic national fee, a copy of the international application, and a preliminary amendment. The case was assigned a U.S. Application Serial No. 09/762,082,

On March 8, 2001, a Notice of Missing Parts was mailed by USPTO indicating that an oath or declaration incompliance with 37 CFR 1.497 (a) and (b) must be filed. The notification set a one-month time limit in which to respond.

On December 2, A Notice of Abandonment was mailed by USPTO indicating that the above-identified application was abandoned for failure to respond to the Notice of Missing Parts within the time period set therein.

On December 18, 2002, Applicants' representative, C. Brant Cook, Esq., submitted a Petition to Revive, accompanied by (i) the petition fee; (ii) a reply to the Notice of Missing Parts, which includes Declaration Combined with Power of Attorney, signed by inventors Mr. Altmann, Mr. Hubesch, Mr. Mermelstein, Ms. Peffly, Mr. Trogerson and Mr. Woo; and Declarations by Ms. Bridget Strobl and Ms. Jacqueline Jacobs detailing their diligent efforts to reach omitted inventors Mr. Brock and Mr. Vermote, respectively; (iii) a statement that a terminal disclaimer was not needed since the application was filed on or after June 8, 1995; and (iv) a statement that the entire delay was unintentional.

On April 9, 2003, a Decision on the Petition was mailed by USPTO. The Decision held that the Petition to Revive is dismissed without prejudice and the application remains abandoned. A two months time period to file a request for reconsideration was set therein which is extendable under 37 CFR 1.136(a).

The Decision provided that the dismissal was based on failure to comply with the requirements of 37 CFR 1.47(a), specifically the Proof of Unavailability or Refusal by the missing inventors was not in full compliance with the rules.

More specifically, the Decision stated that (1) only a copy of the Declaration/Power of Attorney was sent to the missing inventor(s), instead of a complete copy of the application, which should include the specification, the claims, the drawings and an oath and declaration; (2) documentary evidence, such as a certified mail return receipt, cover letter or instruction, telegram, etc. was not supplied with the declaration; and (3) petitioner never expressly stated the last known address of the omitted inventors.

was not supplied with the declaration; and (3) petitioner never expressly stated the last known address of the omitted inventors.

Said Decision also indicated that a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)" must accompany the reconsideration request.

**RESPONSE**

In response, Petitioner submit herewith:

- (a) a Renewed Petition Under 37 CFR 1.137 (b) via Form PTO/SB/64;
- (b) a Declaration of Facts in Support of Filing on Behalf of Omitted Inventor, and documentary evidence in support thereof;
- (c) a Fee Transmittal for a one-month extension of time under 37 CFR 1.136(a) and the Re-petition.

Petitioner respectfully point out that an executed declaration for the above-identified application from one of the non-signing inventors, namely, Christian Vermote, is attached to said Declaration of Facts.

With respect to the remaining non-signing inventor, namely, Earl David Brock, Petitioner respectfully submit that the Declaration of Facts and accompanying documentary evidence clearly support that a *bona fide* attempt to reach Mr. Brock was made by Petitioner; and Mr. Brock's conduct or non-responsiveness constitutes a refusal to sign the Declaration/Power of Attorney.

To the best of Declarant's knowledge, the last known address for Earl David Brock is:

Earl David Brock  
645 Highview Lane  
Kimberly, WI 54136

In light of the foregoing, Petitioner respectfully requests reconsideration, acceptance of the Declaration as completing the required response to the Notice of Missing Parts, and grant the Petition Under 37 CFR 1.137 (b).

Respectfully Submitted,

By Caroline Wei-Berk  
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July 2, 2003  
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